

3. Given that vessel length and speed are important factors in the severity of whale/vessel collisions, and that NOAA Fisheries included waters immediately adjacent to the park entrance in Icy Strait and at Point Adolphus as part of the action area examined in the biological opinion, and that the large whale concentration at Point Adolphus, a popular whale-watching location for vessels entering and exiting NPS waters, is not protected by vessel speed limits, NOAA Fisheries made the following recommendation. “The Park Service should work with NOAA Fisheries, the U.S. Coast Guard, and the State of Alaska to implement vessel speed limits, or exclusion zones in nearshore waters of Icy Strait (i.e., within 1 mile [1.6 kilometers] of Point Adolphus) adjacent to park waters that contain known concentrations of whales, or establish agreements with cruise ship and tour vessel concessioners whereby vessel speed and course restrictions are adopted beyond the NPS boundaries in these areas where whales are known to forage and occur in large numbers.”
4. NOAA Fisheries concluded that the proposed increases in vessel traffic are occurring in an area where disturbance and collision risk are already a concern, and in absence of a quantitative determination of ESA and MMPA take levels. “It is NOAA Fisheries’ recommendation, therefore, that the Park Service should monitor and evaluate its vessel operating requirements to determine whether they are effective at protecting whales in these nearshore waters.” Two essential elements of this recommendation are measurements of compliance and effectiveness of regulations.

The Park Service will continue to work with NOAA Fisheries to address these recommendations.

PUBLIC INVOLVEMENT

The NPS has sought public comment throughout the EIS process, and the EIS was modified as a result of public comments received. The alternatives and topics considered in the DEIS resulted from comments received during the public scoping process and internal agency discussions. The NPS preferred alternative in the DEIS was modified for the FEIS based on public comments received on the DEIS. In reaching a decision, NPS has carefully considered the comments and concerns expressed by the public. The modifications NPS has made to the preferred alternative presented in the FEIS, as discussed previously, also were made in response to public comments as well as additional agency consideration.

A *Notice of Intent* to prepare an EIS, published in the *Federal Register* on February 22, 2002 (67 FR 8313), formally initiated the Park Service’s planning and EIS effort and public scoping. Another notice, extending the public scoping period through June 7, 2002, was published in the *Federal Register* on May 6, 2002 (67 FR 30399). Public input was solicited early in the project through distribution of a newsletter, telephone communications, electronic mail, media announcements, and meetings. A series of public open houses in Anchorage, Juneau, Gustavus, Hoonah, Pelican, and Elfin Cove, Alaska, and in Seattle, Washington, provided opportunity for the interested public to learn about and provide suggestions regarding the issues and information to be included in the DEIS.

Several consultations took place with government agencies, including the Hoonah Indian Association, a federally recognized tribal government; the State of Alaska; NOAA Fisheries; and the U.S. Fish and Wildlife Service. Formal endangered species consultation took place with NOAA Fisheries for the endangered humpback whale, the endangered western stock of Steller sea lions, and the threatened

eastern stock of Steller sea lions. NOAA Fisheries issued a biological opinion concluding that none of these species would be jeopardized as a result of implementing the NPS preferred alternative.

Notices announcing the availability of the DEIS were published in the *Federal Register* in mid-March 2002. The NPS notice was published on March 14, 2003 (68 FR 12366), and the EPA notice, which commenced the comment period for the DEIS, was published on March 21, 2003 (68 FR 13912). The 54-day public comment period ended on May 14, 2003. Postcards announcing availability of the DEIS were mailed to approximately 700 addresses, and an electronic mail announcement was sent to those on the project's electronic mailing list (several thousand). Several hundred copies of the EIS, a compact disc, and/or an executive summary were mailed to interested individuals, organizations, businesses, and agencies. The DEIS was made available for review on the park's website, and electronic comments were accepted.

Written and verbal comments were received from approximately 1,300 individuals, businesses, organizations, and government agencies. Of these, approximately 1,200 were form letters initiated by the NPCA. Public hearings on the DEIS were conducted in April 2003 in Anchorage, Juneau, Gustavus, Hoonah, Pelican, and Elfin Cove, Alaska, and in Seattle, Washington. The comments addressed a broad range of topics. Many individuals and environmental groups expressed concerns regarding the effects of vessel traffic on marine wildlife and other park resources, and on the visitor experience. In particular, concern was expressed regarding the consequences of potentially increasing the number of seasonal-use days for cruise ships to 184 during the June-through-August season. Many requested that additional information be included in the FEIS to explain the basis on which the NPS would make a decision to increase the number of cruise ships. Some commenters questioned the adequacy of the existing resource information base to support an increase. Regardless of the alternative selected for vessel quotas, many expressed support for the operating requirements included as part of the environmentally preferred alternative (most of these are included in the selected alternative), including the NPCA. Some suggested that the quotas from alternative 3 (potential cruise ship increases) be combined with the operating requirements from alternative 5 (simplifies and improves operating requirements based on several years of experience implementing the requirements approved in 1996). Comments were received from three cruise ship companies. The cruise ship industry favored increasing the number of cruise ship seasonal-use days to 184 and some of the operating requirements from alternatives 4 and 5. However, they expressed concern regarding a possible year-round, 13-knot, Glacier-Bay-wide speed limit for large vessels; a year-round 0.25-nautical-mile approach distance to harbor seals hauled out on ice in Johns Hopkins Inlet; and an extension of the quota season for cruise ships to include May and September. One company supported access for the smaller-size cruise ships to Dundas Bay. Some asked that a Dundas Bay permit not be associated with having a Glacier Bay permit. Support was expressed for simplifying the current regulations to reduce confusion and ensure better compliance, although many also wanted to ensure that park resources would not be adversely affected by doing this. All substantive comments on the DEIS were addressed in the FEIS: alternative 6 was developed based on public comment on the DEIS; new information was incorporated into the EIS; corrections and clarifications were made; and comment letters and portions of public hearing transcripts containing substantive comments were reproduced, and responses were provided in an appendix to the FEIS.

Notices announcing the availability of the FEIS were published in the *Federal Register* in October 2003. The NPS notice was published on October 6, 2003 (68 FR 57707), and the EPA notice, which commenced a 30-day no-action period, was published on October 10, 2003 (68 FR 58668). The FEIS, compact disc, and/or executive summary were mailed to several hundred individuals, organizations, businesses, and agencies. An electronic mail announcement was sent to those on the electronic mailing list, and the FEIS and executive summary were made available on the park's website.